

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DANIEL T. SHERMAN,

Civ. No. 04-4203 (JRT/SRN)

Petitioner,

v.

ORDER

DONALD L. STINE, Warden,
FPC - Duluth, Minnesota

Respondent.

Daniel T. Sherman, Federal Prison Camp - Yankton, P.O. Box 700, Yankton, South Dakota, 57078, for Petitioner, *pro se petitioner*.

Michael L. Cheever, Assistant U.S. Attorney, 300 South Fourth Street, Minneapolis, Minnesota, 55415, for Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 19, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241

[Doc. No. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**.

DATED: October 7, 2005
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge